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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GARG, YOGESH C

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/845,362

Applicant(s)

HAYNES ET AL.

Examiner

Yogesh C Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 13-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment received on October 25, 2004 is acknowledged and entered. The applicant has amended claims 1-4, cancelled claims 5-12 and added new claims 13-28. The revised drawing for Fig.1 is also acknowledged and accepted. Currently claims 1-4 and 13-28 are pending for examination.

Response to Arguments

2. Applicant's arguments, see Remarks (page 9), filed on 10/25/2004, with respect to rejection of claims 1-4 under U.S.C. 101 have been fully considered and are persuasive in view of the amendments made to claim 1. The rejection of claims 1-4 under U.S.C. 101 has been withdrawn.

2.2. Applicant's arguments with respect to rejection of claims 1-4 see Remarks, page 10 that Henson does not teach or suggest the feature "changing by the server a corresponding attribute of the secondary item in response to the change in the attribute of the primary item", have been considered but are not persuasive. Henson does disclose the feature that server changes a corresponding attribute of the secondary item in response to the change in the attribute of the primary item, see col.15, lines 31-45. Henson teaches that a given computer system, that is chassis [corresponds to primary item] the attributes of the optional items [correspond to secondary items] are automatically changed. The user is further prompted to select from the automatically changed options due to a change in the chassis [primary item].

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 14-22 and 24-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Henson et al. (US Patent 6,167,383), hereinafter referred to Henson.

Regarding claim 1, Henson teaches a method for managing An electronic commerce (e-commerce) shopping cart relating to communication between a shopper and a server over a communication network, said method (see at least col.1, lines 53-66, " *Referring now to FIG.1, the present implementation of an online store 10 for use in generating customer configured machines.....The commerce application 14 includes a configurator 18, **shopping cart 20**,...* ", and col.9, lines 26-29, " *In accordance with another aspect of the online store, the shopping cart is customized with merchandising options. The cart takes on merchandising options similar to what the configurator is doing. "), comprising the steps of:*

determining by the server whether a shopping command of the shopper has changed an attribute of a primary item in the shopping cart, after the server has determined that the shopping command has changed an attribute of the primary item in the shopping cart, identifying by the server a secondary item in the shopping cart linked to the primary item, and changing by the server a corresponding attribute of the secondary item in response to the change in the attribute of the primary item (see col.15, lines 31-45, " *Everything in the*

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configurator is specific to a given computer system (i.e., chassis) per customer or per set of customers.

The welcome page is geared towards identifying a chassis. Given the chassis, the configurator displays the universe or possible options within that chassis, for a given customer set.

Messaging has now been included in that option universe to assist a user in choosing a best selection for that user. If a user decides upon a different chassis, the user must return to the welcome page and select another chassis. The options within the configurator are dependent upon the chassis. If a user wants to go to a different universe, then the user must exit the configurator, go back to the welcome page, and select a new universe (i.e., a different chassis). Recommendations can include lead time warnings, as well as compatibility warnings. ".Note: Henson, in this segment, discloses the functioning of the Validation module 34[FIGF.1]. The server is able to determine if the particular computer system, that is chassis [corresponds to the primary item as claimed in the application] and the options [correspond to secondary items as claimed in the applications] chosen for the system are consistent and if it is so determined that the computer system is changed automatically the options for the new primary item, that is computer system are changed. Changing the computer system requirement by the user corresponds to the shopping command from the user for changing an attribute of the primary item [the computer system which the user wants to buy]. Therefore, Henson suggests that the attributes of the secondary item are changed by the server automatically in response to determining a change in the primary item.

Regarding claim 2, Henson shows soliciting and receiving by the server authorization from the shopper to change a corresponding attribute of the secondary item in response to the change in the attribute of the primary item; (see at least col.8, lines 7- 55, "..... The system option compatibility warning includes an icon, for example, in the form of a green check mark as shown in FIGS. 3 and 4. The system option compatibility warning icon is presented to the online shopper when a

system option identified as having an incompatibility with another system option is recognized as a customer selection. Customers of the on-line store application thus receive advance warning when an option will not work for a given configuration. The customer can then modify, change, and/or delete the particular option which gave rise to the validation warning. ").

Regarding claims 3-4, Henson further teaches that said authorization is explicit (see at least col.8, line 62-col.9, line 8, " *Active validation is the active cross-checking of the options of a configuration and indicating the occurrence of a problem when the problem is detected. That is, upon the detection of the specific options within the same configuration, a warning can be provided to the customer. Alternatively, upon the selection of a first option, wherein the first option cannot exist with a second option within the same configuration, selection of the second option can be disabled. "*

Note: Active validation corresponds to the explicit authorization.) and implicit (see at least col.8, lines 56-62, " *Passive validation relates to the validation module knowing that specific options don't work together, and providing a validation message that specific options should not be included in the same configuration. "* Note: Passive validation corresponds to the implicit authorization.).

Regarding claim 14, Henson discloses that after said determining step has determined that the shopping command has changed the attribute of said primary item and before said identifying step, said method further comprising the steps of ascertaining whether the primary item is a new primary item; and after said ascertaining has ascertained that the primary item is not said new primary item, then performing said identifying step (see col.15, lines 31-45, "*Everything in the configurator is specific to a given computer system (i.e., chassis) per customer or per set of customers. The welcome page is geared towards identifying a chassis. Given the chassis, the configurator displays the universe or possible options within that chassis, for a given customer set. Messaging has now been included in that option universe to assist a user in choosing a best selection for that user. If a user decides upon a different chassis, the user must return to the*

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welcome page and select another chassis. The options within the configurator are dependent upon the chassis. If a user wants to go to a different universe, then the user must exit the configurator, go back to the welcome page, and select a new universe (i.e., a different chassis). Recommendations can include lead time warnings, as well as compatibility warnings. ".Note: In Henson the server ascertains if the computer system is different and then only displays the secondary items, that is options accordingly.

Regarding claim 15, Henson discloses that in the method of claim 1, wherein the attribute of the primary item and the corresponding attribute of the secondary item are a same attribute (see at least col.6, lines 44-67), which discloses the attribute of lead time/delivery and this attribute is same for both the computer system [the primary item] and the options [secondary items]0.

Regarding claim 16, Henson teaches that in the method of claim 1, wherein the attribute of the primary item and the corresponding attribute of the secondary item are different attributes (see at least Figs 3A and 3B wherein the attributes of the computer system, that is Dell Dimension XPS R, reference numbers "79"[primary item] in FIG.3A and Printer [secondary item] in Fig.3B have different attributes.

Regarding claim 17, Henson discloses that the method of claim 1, wherein the communication network comprises the Internet (see at least col.5, line 66-col.6, line 1, "*Turning now to FIG. 2, a customer can access the online store 10 using any suitable computer equipment 40, via the Internet 42.*").

Regarding claim 18, Henson teaches that in the method of claim 1, said determining, identifying, and changing steps being performed for a merchant of the primary item (see at least col.1, lines 18-21 and FIG.3A which teaches that the steps of determining, identifying, and changing are being done for a merchant, such as an online store for computers).

Regarding system claims 19-22 and 24-28, their limitations are closely parallel to the method claims 1-4 and 14-18 and are therefore analyzed and rejected on the basis of same rationale.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 13 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson and further in view of Chandramohan et al. (US Patent 6,711,619), hereinafter referred to as Chnadramohan.

Regarding claim 13, Henson teaches the method of claim 1 as analyzed above but does not disclose that before said determining step, said method further comprising the step of awaiting by the server for said shopping command and continuing to wait by the server for said shopping command so long as said shopping command has not been received by the server. However, in the same field of client-server architecture, Chandramohan discloses the step of awaiting by the server for said shopping command and continuing to wait by the server for said shopping command so long as said shopping command has not been received by the server (see at least col.7, line 27-col.8, line 12, " *FIG. 3A is a timing diagram that illustrates the method and operation of the present embodiment. As a background activity, the e-serve server module 101 monitors the network 146 (as shown in FIG. 1A) and waits for requests from e-serve client modules 103, as shown in element 306.* "). In view of Chandramohan, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have incorporated the feature of awaiting by the server for said shopping command and continuing to wait by the server for said shopping command so long as said shopping command has not been received by the server because it is well-known that the Transmission Control Protocol/Internet Protocol (TCP/IP) is a common networking protocol used for communication among computer systems 100 that allows uniform formatting of data for transmittal and receipt and enabling the e-server to communicate with the client modules.

Regarding system claim 23, its limitations are closely parallel to the method claim 13 and is therefore analyzed and rejected on the basis of same rationale.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Patent 6,128,600 to Imamura et al. discloses An electronic commerce (e-commerce) shopping cart relating to communication between a shopper and a server over a communication network, said method comprising the steps of: determining by the server whether a shopping command of the shopper has changed an attribute of a primary item in the shopping cart, after the server has determined that the shopping command has changed an attribute of the primary item in the shopping cart, identifying by the server a secondary item in the shopping cart linked to the primary item, and changing by the server a corresponding attribute of the secondary item in response to the change in the attribute of the primary item (see at least col.9, lines 1-55).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

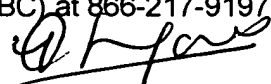
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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
January 7, 2005